

LEGAL AID SOCIETY OF
GREATER CINCINNATI

LEGAL SERVICES IN BROWN, BUTLER, CLERMONT, CLINTON, HAMILTON, HIGHLAND AND WARREN COUNTIES

March 7, 2007

DONALD P. KLEKAMP
COMMUNITY LAW
CENTER BUILDING

215 East Ninth Street
Suite 200
Cincinnati, Ohio
45202

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(513) 241-9400
(800) 582-2682

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(513) 241-0047

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(513) 241-1390

Mr. and Mrs. John and Anita Rosewood
1929 Fairmount Avenue
Cincinnati, Ohio 45214

Dear Mr. and Mrs. Rosewood:

You contacted Legal Aid in our capacity as Ombudsman for the Metropolitan Sewer District (MSD) Water-In-Basement Program. MSD has accepted responsibility for the backup in your basement. You submitted a claim to the City Solicitor's Office for damages to your basement and personal items, and the City offered you \$10,000. I understand that you disagree with the amount the City offered you, but you accepted it because you were not offered information regarding the Ombudsman program.

You have the right to have your claim reviewed in Federal Court under the WIB case. Recently, the Magistrate Judge who oversees the WIB Consent Decree developed a new procedure for homeowners to appeal MSD's decision. To exercise this right, you would need to file a request to have your dispute reviewed in Federal Court. You would also need to submit any additional information and documentation (photos, receipts, etc.) to support your claim. The Court would review this information, provide you with a hearing (if you want one), and assess whether the City's damage estimate is reasonable. If you are going to exercise your right to the review process, you should file your request as soon as possible.

Enclosed is the Right to Review form and information on the Federal Court Review process. Legal Aid is happy to assist you in filling out these forms and getting this process started.

Also, as we discussed, before beginning the review process, you may want to make a written counteroffer to the City on your damages claim. This might provide a quicker way to resolve the process. Such a counteroffer should be sent to the City's attorney, Terry Nestor, at Solicitor's Office, City of Cincinnati, 801 Plum St., Room 214, Cincinnati, OH 45202. I have enclosed a sample letter that you can use.

You may contact me at 362-2768, or the Ombudsman's main number (362-2877), for further assistance on this process and your rights.

Sincerely,

Elizabeth Tull /4

Elizabeth Tull
Law Clerk to the Ombudsman
MSD Water-In-Basement Program

APPOINTMENTS
AVAILABLE

Batavia
Cincinnati
Georgetown
Hamilton
Hillsboro
Lebanon
Middletown
Wilmington

 LSC



ET/JLP/lrf
Enclosures

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Mr. Terry Nester
801 Plum Street Room 214
Cincinnati Ohio 45202

Date: March 26, 2007

To: Mr. Terry Nelson

I just spoke with you on the telephone this morning. As you have request, I am submitting to you the **Internal Revenue Services audit report**. As I state to you this morning we were audit. We're able to prove to the IRS we have total loss of \$31, 485.00. In the highlight amount of **\$17,366.30** we're asking the balance.

If you have any questions, please contact me **(513) 886-4241** Anita or resident number **(513) 389-1988**. **Thank you** for time and consideration.

Sincerely,

Anita Ann Rosewood
John W. Rosewood Jr.
2784 Morningridge Drive
Cincinnati, Ohio 45211
(513) 886-4241 Anita

Terry Nestor
City of Cincinnati Solicitor's Office
801 Plum Street Room 214
Cincinnati Ohio 45202

Date: March 21, 2007

Dear Mr. Nestor

I had live at 1929 Fairmount. I am writing to follow up on my damages with City /MSD because of the sewage backup in my basement February 2, 2004.

On December 2004, I received an offer of \$10,000 on my damages claim from the City. I disagree with the amount. My counter – offer is \$31,485 total.

If I do not hear back from the City by April 3, 2007. I intend to file my request for review on this issue in Federal Court.

Sincerely,

Anita Rosewood
2784 Morningridge Drive
Cincinnati Ohio 45211
(513) 389 -1988 Resident
(513) 886-4241 Cell

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